

**California Biodiversity Council Regional Meeting
Chico, California
March 14 & 15, 2001**

**Local Forum
Issues with Land Acquisitions and Long-Term Management Plans**

Introduction & Welcome

Butte County Supervisor Jane Dolan was kind enough to welcome the Council to her hometown. She explained that the Sacramento Valley is a region of great abundance. There is tremendous beauty, geographic diversity, geologic diversity, blue skies, and clean air. The region also has a great abundance of recreational opportunities. Additionally, there is an abundance of talented, energetic, and educated folks with very strong interests.

Moderator: Denny Bungarz, Glenn County Supervisor

Supervisor Bungarz began by noting that Propositions 12, 13, and 204 are not affirmed in the North Valley. The acquisition of private land for habitat finds heavy opposition in the community, as the local economy is dependent on land use and the tax base. The ensuing effects on threatened and endangered species are quite frightening.

Denny also discussed a program created by Senate Bill 1086, the Sacramento River Conservation Area. This seven county plan has already finished a fisheries plan and is working the associated fish screens for the Sacramento River. The group is non-profit and has a 21-member Board of Directors. They represent state and private agencies with authority for Best Management Practices. Their role is to facilitate cooperative solutions to the issues challenging the Sacramento River.

Sam Lawson with The Nature Conservancy spoke first. The focus of his organization (TNC) is to *protect the diversity of life on land and water*. They use science and planning to drive their management decisions. In this process they identify natural systems, the stresses on those systems, and finally the possible protection and mitigation strategies.

In the northern Sacramento Valley, the focus lies with the Sacramento River and its riparian ecosystems. Although the protection of the social and economic needs of the region play an important role as well. Here the strategy is to protect and/or acquire key lands between Red Bluff and Colusa with a target size of 30-40 thousand acres. If roughly 18,000 acres are now protected, the target for the upcoming years is another 12,000 acres. TNC looks for willing sellers who typically have lands that are in the floodplain, actively eroding, or contain Class III or worse soils. TNC recognizes that the effects of quick- and large-scale change from agriculture to habitat would be locally unacceptable. However, Sam noted that agriculture is not sustainable over the long term near the river. A slow transition based on willing sellers and continuing employment in management in their strategy.

Dan Keppen, an employee of the US Bureau of Reclamation, Chair the SB 1086 Committee. SB 1086 is a model for broader uses, as it brings divergent interests together. The local landowners fear that a barrage of uncoordinated efforts will attempt to acquire land for habitat. This fosters the idea that the loss of the agriculture land base may change the

lifestyles and economy as well as depleting the tax revenue for local programs. The SB 1086 process is providing a way for agricultural and other interest to work out these issues. The Bureau of Reclamation is particularly interested in protecting fish screens and other investments.

Brendon Flynn is a local landowner in the Sacramento Valley. His company manages land adjacent to recently acquired habitats. His concerns with this arrangement are the following:

- Public infrastructure (e.g. pumping plants) investment risks
- Pest migration to farmland (mice, deer, insects, etc.)
- Trespassing from visitors to acquired lands (property damage, patrol needs and liability concerns)
- Flood Management – poorly maintained levees and water control structures.

Brendon also noted that he feels that farming is sustainable along the river, in contrast to what TNC has determined.

Les Herringer runs M&T Farms and is a member of the Sacramento Valley Landowners Association. Mr. Herringer noted that M&T operates 1600 acres along the river and they constantly run into habitat visitors trespassing on their lands and issues with the pumping station at Big Chico Creek. Additionally, he briefly discussed the Sacramento River Conservation Area (SCRA). The principles of the SCRA find their foundation in an ecosystem approach and using the best bank stabilization techniques. The SCRA needs to address the protection of public infrastructures, like pumping stations, as well.

Mr. Herringer made several parting comments and discussion points

- The illegal farming of marijuana plants in the area with become a problem with the public access on the river.
- Agricultural concerns can often be addressed by a positive, working attitude in addition to financial help from agencies.
- Permitting is becoming a problem of real concern. There is a serious need to streamline the process. The SCRA could fill that role of obtaining permits for participants.

Mike Pool, CBC Co-Chair and BLM State Director, opened up the panel for an open discussion.

Eileen Ansari (City of Diamond Bar) asked, *How are the land values set?*

- Sam Lawson answered that standard appraisal methods (determined by an independent appraiser) are used.
- Brendon Flynn followed by noting that an appraised value may be much higher than another farmed would be able to afford. So an appraisal could force land-use change. This may be good for biodiversity, but it is a downfall for agriculture.

Additionally, Ms. Ansari asked, *How long does it take to get the necessary permits?*

- Dan Keppen said that it could take years for a single project. In some cases, it takes so long that work cannot be done without an emergency declaration.
- Mr. Herringer said that it would be quicker if agencies wanted to create a fast-track system. However, it is currently quite slow.

Frank Michny (Bureau of Reclamation) cited an example where regulatory agencies would not let the adjacent landowners be held harmless from Threatened and Endangered Species impacts when they move to private land. He asked if that situation occurred in this area.

- Les noted that it does occur in the Sacramento Valley. The Safe Harbor Agreement would be a good solution that is used.

Tom Wehri (CARCD) noted that incidental take is now understood although the mechanics of it are not fully developed. How do we make this happen?

- Sam agreed that urban development is the enemy of both agriculture and the environment.
- Mr. Keppen gave three possible solutions: 1) community forums and joint problem solving; 2) assurances and agreements that protect all interests involved; and 3) incentives.
- Brendon Flynn noted that cooperative forums and problem solving among all interests would be of great use in these types of situations.

Paul Stein (Calaveras County Supervisor) asked the panel *How do tax-base issues for counties get mitigated?*

- Sam Lawson answered that TNC has a CALFED grant and has hired Jones & Stokes to study the impacts and possible mitigation plans available. He felt that the answer to Supervisor Stein's question should come from this study.
- Dan Keppen added that congressional action might be necessary.

Mike Spear (US Fish & Wildlife Service) added several comments to the discussion. The Safe Harbor Agreement was designed for places where species don't exist and new occurrences happen. This is rare and it fits poorly in complex cases. What is typically needed is incidental take obtained by Habitat Conservation Plans. Workload competition affects all of these factors. The energy crisis is driving everything these days and in the coming months it will be fire danger. Transportation and countywide HCPs will follow the fire season. So individual permits are slow and will be slow until work and staff time match better. Additionally, third-party suits are not a problem if solid work is done.

Nancy Huffman (Modoc County Supervisor) asked if public acquisition was the only method of species protection.

- Sam Lawson replied that it is a very appropriate and viable option along the river. Easements are very useful in many other areas.

Supervisor Huffman also asked how long TNC plans on keeping the lands they purchase in private ownership before turning them over to the public.

- Sam answered that TNC mission is only to protect the diversity of life on earth and it is not the accumulation of land. Their strategy is to own the land if necessary, but if another agency will take on the responsibility, that is more than agreeable. Many of their preserves have been transferred in the last decade to locally managed land-trusts.

Dan Martynn (NRCS Colusa County) mentioned that they do have many easements programs. He wanted to hear about the problems challenging the landowners that are farming next to these habitat preserves, particularly with respect to the use of agricultural chemicals and if any restrictions are imposed.

- Brendon Flynn noted that they have not had a problem with agricultural chemicals at this point. There are already abundant regulations in place. Currently, the trespass of rodents is the largest problem. Problems may increase with flood years.
- Sam Lawson noted that TNC manages roughly 20 parcels of agricultural land along the river and an equal number of restoration sites. He doesn't get a lot of calls from people having problems. He does get many calls about the sites in general and there is interest out there, but not many folks report problems.

With that, Supervisor Bungarz closed the session and thanked its many participants and planners.